

### **REMARKS**

#### **Status of Claims and Amendment**

Claims 2, 6-11, and 17-27 have been canceled. Claims 6-10 and 21-27 are withdrawn as being directed to a non-elected invention. Applicants reserve the right to file a divisional application directed to the non-elected subject matter. Claims 1, 3, 4, 5, 12-16, and 18 are all the pending claims being examined in the present application. Claim 18 is rejected.

Applicants thank the Examiner for indicating that claims 1, 3-5, and 12-16 are allowed.

#### **Response To Rejection Under 35 U.S.C. § 112, first paragraph**

Claim 18 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Office Action asserts that the specification does not enable one skilled in the art to make and/or use the claimed polyhydroxyalkanoate synthase from *Escherichia coli* BL21 (pQEREC).

Applicants respectfully disagree. However, to advance prosecution, claim 18 has been canceled to thereby obviate the foregoing rejection.

Withdrawal of all rejections and allowance of claims 1, 3, 4, 5 and 12-16 is earnestly solicited.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Tu A. Phan/

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

---

Tu A. Phan, Ph.D.  
Registration No. 59,392

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: July 8, 2008